

PLANNING APPLICATION REPORT



Application Number 15/01007/FUL

Date Valid 03/06/2015

Item 03

Ward Eggbuckland

Site Address WIDEY COURT PRIMARY SCHOOL, WIDEY LANE PLYMOUTH

Proposal Erection of detached building.

Applicant Widey Court Primary School

Application Type Full Application

Target Date

29/07/2015

Committee Date

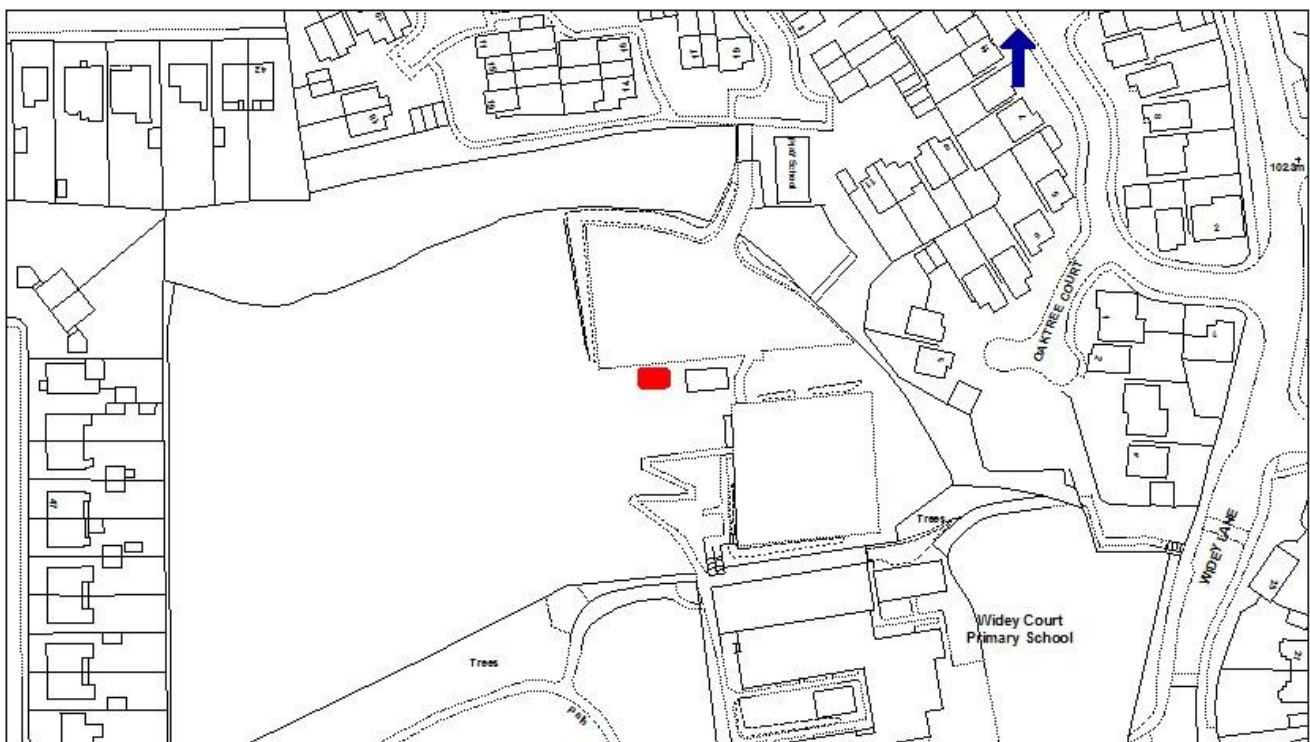
Planning Committee: 30 July 2015

Decision Category Member/PCC Employee

Case Officer Amy Thompson

Recommendation Grant Conditionally

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1. Description of site

Widey Court Primary School is located within Crownhill area of the city. The school is accessed through Widey Lane to the east of the site and from Widey Court to the north of the site.

The main school buildings are located at the east of the site, with a large school field to the west of the site. Within the school field there are three protected trees.

There is public open space to the west and south of the site, this comprises of a public footpath through a wooded area. To the north and east of the school site are residential properties.

2. Proposal description

Erection of detached building.

3. Pre-application enquiry

15/00402/MIN- In principle the overall development is considered acceptable. A planning application needs to be submitted and building regulations adhered to.

4. Relevant planning history

09/00395/FUL- First floor extension to provide four new classrooms and staff room, and two storey extension to provide toilets, staircases and lift accommodation. Grant conditionally.

08/01433/FUL- New playground area, Devon bank and outdoor teaching area, new parking spaces within existing playground. Grant conditionally.

07/00751/FUL- Extension to provide 4 classrooms and an ICT suite with 6.5 metre high wind turbine. Grant conditionally.

06/01536/FUL- Extension to classroom block (to form new ICT suite) with associated change of use of small part of adjacent public open space to school use with related works. Grant conditionally.

00/01368/FUL- Remove mobile classrooms, erect extension to provide four classrooms, extension to reception block to form new entrance, and additional car parking area. Grant conditionally.

5. Consultation responses

Local Highways Authority- No objection.

Public Protection- Approval subject to conditions/ informative

Wales & West Utilities - no objections to the proposals, however Wales & West Utilities apparatus may be at risk during construction works and should the planning application be approved then we require the promoter of these works to contact Wales & West Utilities directly to discuss the requirements in detail. Should diversion works be required these will be fully chargeable.

6. Representations

None received.

7. Relevant Policy Framework

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan comprises of the Local Development Framework Core Strategy (Adopted April 2007).

The development plan is currently being reviewed as part of the Plymouth Plan. The Plymouth Plan-Part One: Consultation Draft (January 2015) has been subject to a consultation process and representations received are currently being reviewed. As such it is a material consideration for the purposes of planning decisions.

The policies contained in National Planning Policy Framework (the Framework) and guidance in National Planning Practice Guidance (NPPG) are also material considerations which should be taken into account in the determination of planning applications. Due weight should be given to relevant policies in existing and emerging plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

The Framework provides that the weight to be given to an emerging draft plan is also to be determined according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given). The Plymouth Plan is at an early stage of preparation.
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given).

At the heart of the Framework is a presumption in favour of sustainable development. In the context of planning applications, this means approving development proposals that accord with the development plan without delay but where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits; or
- Specific policies in the Framework indicate development should be restricted.

Additionally, the following planning documents are also material considerations in the determination of the application:

- Development Guidelines Supplementary Planning Document

8. Analysis

1. This application has been considered in the context of the development plan, the emerging Plymouth Plan, the Framework and other material policy documents as set out in Section 7.
2. The application turns upon policies CS02 (Design) and CS34 (Planning application considerations) of the Adopted Core Strategy of Plymouth's Local Development Framework 2006-2021 and the aims of the Council's Development Guidelines Supplementary Planning Document 1st review (2013), and the National Planning Policy Framework. The primary planning considerations in this case are the impact on neighbour amenity and the impact on the character and appearance of the area.
3. The proposal seeks to erect a new detached unit within the school grounds to provide additional indoor space. The proposed building will be situated at the northern end of the site. There is already a detached building situated in this area and the proposed building will sit in line with this existing building. Behind the proposed site is a hard play area and car park.
4. The proposal seeks to construct a single storey detached building that will be approximately 8 by 5 metres. The proposed building will have a pitched roof with two solid blockwork walls and two walls with dwarf walling and glazing. The structure proposes to have a set of double doors on the front elevation and single door on the rear elevation.
5. The proposal is considered to not have a detrimental impact on the character and appearance of the area. The proposed materials and design are not considered to have a significant impact on the character or appearance of the area. The proposed structure is situated within the school grounds and will largely be screened from public view.
6. The proposal is considered to not have a detrimental impact on residential amenity. The proposed changes are set within the school boundaries away from the neighbouring residential properties and do not reflect any significant increase in intensity or change of use of the school.

9. Human Rights

Human Rights Act - The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

10. Local Finance Considerations

This development is not liable for a Community Infrastructure Levy Contribution.

11. Planning Obligations

Not applicable.

12. Equalities and Diversities

No equality and diversity issues to be considered in this case.

13. Conclusions

Officers have taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004 and concluded that the proposal accords with policy and national guidance. The application is recommended for conditional approval.

14. Recommendation

In respect of the application dated **03/06/2015** and the submitted drawings Site location plan, proposed detached building, widey court, plymouth.,it is recommended to: **Grant Conditionally**

15. Conditions

CONDITION: DEVELOPMENT TO COMMENCE WITHIN 3 YEARS

(1) The development hereby permitted shall be begun before the expiration of three years beginning from the date of this permission.

Reason:

To comply with Section 51 of the Planning & Compulsory Purchase Act 2004.

CONDITION: APPROVED PLANS

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan, proposed detached building, widey court, plymouth.

Reason:

For the avoidance of doubt and in the interests of good planning, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 61-66 of the National Planning Policy Framework 2012.

CONDITION: REPORTING OF UNEXPECTED CONTAMINATION

(3) In the event that unacceptable levels of risk, unexpected contamination or ground conditions are found when carrying out the approved development, that were not previously identified, expected or anticipated; they shall be reported in writing immediately to the Local Planning Authority and an investigation and risk assessment must be undertaken. The report of the findings shall include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to any or all of the following that apply:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - ground and surface waters,
 - ecological systems,

- archeological sites and ancient monuments;

(iii) a remedial and preferred options appraisal.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Where remediation is necessary a remediation scheme shall be prepared, which is subject to the approval in writing of the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site is suitable for use and will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out shall be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the environment, future users of the land and neighbouring land are minimised, and ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors; and to avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

Informatives

INFORMATIVE: CONDITIONAL APPROVAL (NO NEGOTIATION)

(1) In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way including pre-application discussions and has imposed planning conditions to enable the grant of planning permission.

INFORMATIVE: (NOT CIL LIABLE) DEVELOPMENT IS NOT LIABLE FOR A COMMUNITY INFRASTRUCTURE LEVY CONTRIBUTION

(2) The Local Planning Authority has assessed that this development, due to its size or nature, is exempt from any liability under the Community Infrastructure Levy Regulations 2010 (as amended).

INFORMATIVE: HOURS OF CONSTRUCTION AND DEMOLITION

(3) With neighbourhood interest in mind we advise that demolition or construction works should not take place outside of 08:00 hours to 18:00 hours Mondays to Fridays and 08:30 hours to 13:00 hours on Saturdays nor at any time on Sundays or Bank Holidays in line with the city wide code of practice for demolition and construction.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 of Plymouth City Council's Local Development Framework.